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November 14, 2002

VIA U.S. MAIL & FACSIMILE

Carolyn Weiss
Washington Lawyers' Committee for
Civil Rights & Urban Affairs
11 Dupont Circle, NW
Suite 400
Washington, DC 20036

Jonathan S. Nash
Piper Rudnick
6225 Smith Ave.
Baltimore, MD 21209-3600

Re: Jeanette Mellerson v. Barnhardt,
Civ. Action No. L-01-2090

Dear Carolyn and Jonathan:

I appreciate the discovery compromise proposed in your November 8, 2002 letter. When and if we are unable to reach a settlement in this case, I will promptly respond.

In the meantime, it was my understanding that we were going to engage in settlement negotiations in order to save on the costs of discovery, minimize attorney fees, and evaluate the possibility of settlement at the earliest possible point. The tone of your letter once again raises a question whether you remain committed to such a process.

One of the government's main purposes of staying discovery and engaging in mediation was to avoid the time consuming and costly process of collecting information and documents. Your request that I essentially resolve all discovery disputes and supplement the government's responses to discovery at this time is entirely contrary to such a goal. Also of concern is your statement that, should the government refuse to voluntarily produce certain information, you will have "no choice but to assume the worst which will be reflected in [your] settlement position." If

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there is specific, discrete information that you require in order to develop a settlement position in this case, please identify it and I will consider your request. Threats are unwarranted, and frankly, inappropriate.

If you have any questions, please do not hesitate to contact me at (410)209-4857. Thank you.

Very truly yours,

Thomas M. DiBiagio
United States Attorney

By: 

Nadira Clarke
Assistant United States Attorney